United Nations S/2018/628

Security Council

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The Security Council,

Reaffirming its determination to combat impunity for all those responsible for serious international crimes and the necessity of all persons indicted by the International Criminal Tribunal for Rwanda (ICTR), and the International Tribunal for the former Yugoslavia (ICTY) being brought to justice and, in this regard, *recalling* the mandate of the International Residual Mechanism for Criminal Tribunals (Mechanism) established by resolution 1966 (2010) of 22 December 2010,

Recalling the Security Council Press Statement of 31 December 2017,

Recalling Article 25 and Article 26 of the Statute of the Mechanism, set out in Annex 1 to resolution 1966 (2010), concerning the supervision of the enforcement of sentences and pardon or commutation of sentences, respectively,

Having regard to Article 14, paragraph 4 of the Statute of the Mechanism,

Recalling its decision in resolution 2269 (2016) adopted on 29 February 2016 appointing the Prosecutor of the Mechanism for a period from 1 March 2016 until 30 June 2018, and that the Prosecutor of the Mechanism may be appointed or reappointed for a two-year term, notwithstanding Article 14, paragraph 4 of the Statute of the Mechanism,

Having considered the nomination by the Secretary-General to Mr. Serge Brammertz as Prosecutor of the Mechanism (S/2018/626),

Noting with concern that the Mechanism faces problems in the relocation of acquitted persons and convicted persons who have completed serving their sentences, and emphasizing the importance of the successful relocation of such persons,

Recalling its decision by resolution 1966 (2010) that the Mechanism shall operate for an initial period of four years from the first commencement date referred to in paragraph 1 of the resolution, and to review the progress of the work of the Mechanism, including in completing its functions, before the end of this initial period and every two years thereafter, and that the Mechanism shall continue to operate for subsequent periods of two years following each such review, unless the Security Council decides otherwise,

Noting that the current period of operation of the Mechanism ends on 30 June 2018,

Having conducted its review of the progress of the work of the Mechanism, including in completing its functions, since the last review of the Mechanism in

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December 2015, pursuant to paragraph 17 of resolution 1966 (2010) and in accordance with the procedure set out in the statement of its President of 19 March 2018 (S/PRST/2018/6),

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to appoint Mr. Serge Brammertz as Prosecutor of the International Residual Mechanism for Criminal Tribunals with effect from 1 July 2018 until 30 June 2020;

2. *Underlines* that States should cooperate fully with the Mechanism;

3. *Commends* States that have accepted the relocation of acquitted persons or convicted persons who have completed serving their sentences to their territories, and reiterates its call upon all States to cooperate with and render all necessary assistance to the Mechanism, for increased efforts towards the relocation of acquitted persons and convicted persons who have completed serving their sentences;

4. *Urges* all States, especially States where fugitives are suspected to be at large, to intensify their cooperation with and render all necessary assistance to the Mechanism, in particular to achieve the arrest and surrender of all remaining fugitives indicted by the ICTR as soon as possible;

5. *Emphasizes* that, in view of the substantially reduced nature of the residual functions, the Mechanism was established to be a small, temporary and efficient structure, whose functions and size will diminish over time, with a small number of staff commensurate with its reduced functions, and, recognizing in this regard the full commitment to these elements expressed by the Mechanism, *urges* the Mechanism to continue to be guided in its activities by these elements;

6. *Welcomes* the report (S/2018/347) submitted by the Mechanism to the Council pursuant to its Presidential Statement (S/PRST/2018/6) for the purposes of the review of the progress of the work of the Mechanism, including in completing its functions, as required by paragraph 17 of resolution 1966 of 22 December 2010, and the report of the Office of Internal Oversight Services (OIOS) on the evaluation of the methods and work of the Mechanism (S/2018/206);

7. *Takes note* of the work of the Mechanism to date, in particular development of a legal and regulatory framework, procedures, and working practices consistent with the Statute of the Mechanism and drawing on lessons learned from and best practices of the ICTY and ICTR and of other tribunals, including its implementation of the double-hatting of personnel, use of rosters to ensure judges and staff are utilized only when required, enabling judges and staff to work remotely to the maximum extent possible, and minimizing the need for full bench participation in pre-trial and pre-appeal hearing work, in order to produce substantial reductions in the costs of judicial activities compared to those of the ICTY and ICTR, and commends the Mechanism for its efforts to produce such reductions;

8. *Notes* further the views and recommendations made with regard to the Mechanism's work by the Council's Informal Working Group on International Tribunals, as reflected in this resolution, and *requests* the Mechanism to take into account those views and implement the recommendations, and to continue to take steps, such as those referred to in paragraph 7, to further enhance efficiency and effective and transparent management, in particular: (i) full implementation of the outstanding recommendations of the OIOS; (ii) production of more focused projections of completion timelines and disciplined adherence thereto, including by making the best use of the diverse approaches of common law and civil law systems; (iii) enhancement of the geographic diversity and gender balance of staff, while ensuring continued professional expertise; (iv) implementation of a human resources

policy consistent with its temporary mandate; and (v) further reduction of costs, including through, but not limited to, flexible staff engagement;

9. *Reiterates* its request to the Mechanism to include in its six-monthly reports to the Council information on progress achieved in implementing this resolution, as well as detailed information on the staffing of the Mechanism, respective workload and related costs with breakdown by division and detailed projections of the duration of residual functions based on available data;

10. *Notes* the views and concerns expressed by some Member States during the Security Council debate on 6 June 2018 about the current approach of the Mechanism to early release of persons convicted by the ICTR, and encourages the Mechanism to consider an appropriate solution, including by considering putting in place conditions on early release in appropriate cases;

11. *Notes* the conclusion of the Council's review of the progress of the work of the Mechanism, including in completing its functions, since the last review of the Mechanism in December 2015, pursuant to resolution 1966 (2010);

12. *Recalls*, with a view to strengthening independent oversight of the Mechanism, that, as set out in its Presidential Statement of 19 March 2018 (S/PRST/2018/6), future reviews carried out pursuant to paragraph 17 of resolution 1966 (2010) shall include evaluation reports sought from the OIOS with respect to the methods and work of the Mechanism;

13. *Decides* to remain seized of the matter.